



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill #	HB0261	Title:	Revise laws regarding clerk of court fees for transmitting records
Primary Sponsor:	Lynch, Ryan	Status:	As Introduced

- | | | |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$22,075	\$22,075	\$22,406	\$22,742
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$22,075)</u>	<u>(\$22,075)</u>	<u>(\$22,406)</u>	<u>(\$22,742)</u>

Description of fiscal impact: HB 261 requires that, for any request to transmit records or files or transfer of a case to another court, the requesting party pay the “actual costs of transmitting the records or files to the new court by the most cost-effective means available” in addition to the current \$5 charge. This will impact the Office of the State Public Defender (OPD).

FISCAL ANALYSIS

Assumptions:

1. The OPD is unable to accurately predict the costs that will occur with the passage of HB 261.
2. The OPD serves all 207 district and courts of limited jurisdiction in the state of Montana.
3. Costs will vary and will be higher in some courts and lower in others, but for the purposes of this fiscal note, it is assumed that HB 261 will result in an additional \$100 in expenditures per court per fiscal year for a total of \$20,700.
4. The OPD also serves the Montana Supreme Court. In FY 2014, OPD had 275 cases. Assuming that level of cases annually, HB 261 will result in an additional \$1,375 per fiscal year.
5. The total assumed costs in the fiscal note are \$22,075 in FY 2016 and FY 2017. Expenditures are inflated at 1.5 percent per year in FY 2018 and FY 2019.

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	<u>\$22,075</u>	<u>\$22,075</u>	<u>\$22,406</u>	<u>\$22,742</u>
TOTAL Expenditures	<u>\$22,075</u>	<u>\$22,075</u>	<u>\$22,406</u>	<u>\$22,742</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	<u>\$22,075</u>	<u>\$22,075</u>	<u>\$22,406</u>	<u>\$22,742</u>
TOTAL Funding of Exp.	<u>\$22,075</u>	<u>\$22,075</u>	<u>\$22,406</u>	<u>\$22,742</u>
<u>Revenues:</u>				
General Fund (01)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$22,075)	(\$22,075)	(\$22,406)	(\$22,742)

Technical Notes:

1. The OPD is not clear of the meaning in Section 1 that reads “plus the actual costs of transmitting the records or files to the new court.” If this is to include appeals from courts of limited jurisdiction to district courts, the cost of labor, transportation, mailing, etc., the fiscal effect could be much greater.

*Sponsor's Initials*_____
*Date*_____
*Budget Director's Initials*_____
Date